

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Barry J. Cave,

Petitioner,

v.

Case No. 1:16cv929

Warden, North Central
Correctional Complex,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on October 29, 2018 (Doc. 25).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 25) have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 25) of the Magistrate Judge is hereby **ADOPTED**. The Motion for Certificate of Appealability (Doc. 22) and the Motion for Leave to Proceed *in forma pauperis* (Doc. 24) are **DENIED**.

Any request for certificate of appealability or request to certify an appeal would not be taken in good faith and would be denied.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court